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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/159,122	11/30/93	AKAGIRI	

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26M1/0224

K	SONYC2195
EXAMINER	
BOCURE, T	
ART UNIT	PAPER NUMBER
	10

2614

DATE MAILED: 02/24/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on Nov. 18, 1994 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-58 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☒ Claims 1-17, 25-42 and 51-58 are allowed.
4. ☐ Claims 18-22, 24, 43-47 and 49 are rejected.
5. ☒ Claims 23, 48 and 50 are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

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Part III DETAILED ACTION

Drawings

1. The drawings are objected to because figures 15 and 16 should be labelled as "Prior art." See page 3 and brief description of the drawings in page 10. Correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 18-22, 24, 43-47 and 49 are rejected under 35 U.S.C. § 102(e) as being anticipated by Nishiguchi et al (U.S patent #5,151,941).

Nishiguchi et al (Nishiguchi hereinafter) teaches a digital signal encoding apparatus and method comprising: driving a plural coefficients from the input digital signal, and adaptive bit allocating comprising means and steps for; dividing the coefficients into plurality of bands, calculating the allowable noise level for each of the bands, comparing in each band the minimum audible level and selecting the minimum audible level as

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an allowable noise level as in claims 18 and 43 (see Abstract and figs 4 and 11).

further to claims 19 and 44, Nishiguchi teaches that the means and step for driving being orthogonal transformation (col. 1, lines 15-20).

The claimed orthogonal being discrete fourier transform in claims 20 and 45 reads on element 11 in figure 11.

The claimed providing a target value, generating an error based on the target value and the actual value and adjusting the allowable noise level in claims 21 and 46, and adjusting the bit allocation in claims 22 and 47 reads on figure 4,11 and abstract.

Further to claims 24 and 49, Nishiguchi also teaches that the coefficients are divided to critical bands, comparing the allowable noise level corresponding to the critical bands and selecting the allowable noise level corresponding to the critical band. See figure 4 and 11 and cols 5-6.

Allowable Subject Matter

4. Claims 23,48 and 50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 1-17,25-42 and 51-58 are allowable over the prior art of record.

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S patent numbers 5,294,925; 5,375,189 and 5,381,143 issued to Akagiri, Tsutsui and Shimoyoshi et al, respectively disclose a data compressing method including block floating step.

U.S patent number 4,455,649 and 4,912,763 issued to Esteban et al and Galand et al, respectively, disclose a data compressing method comprising a dynamic bit allocation.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to T.Bocure whose telephone number is (703) 305-4735.

T.Bocure
February 11, 1995

TESFALDET BOCURE
PATENT EXAMINER
GROUP 2800

